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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 13th meeting
Held at Headquarters, New York, on Thursday, 22 June 2006, at 10 a.m.

Chairman: Mr. Hunte ..... (Saint Lucia)

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06-40014 (E)

The meeting was called to order at 10.25 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of New Caledonia (A/AC.109/2006/14; A/AC.109/2006/L.13 and Corr.1)

Draft resolution A/AC.109/2006/L.13

2. **Mr. Aisi** (Papua New Guinea), speaking also on behalf of the delegation of Fiji, introduced draft resolution A/AC.109/2006/L.13.

3. In the light of consultations with the administering Power, his delegation proposed that operative paragraph 2 should be revised to read: "*Takes note* of the concerns expressed by a group of indigenous people in New Caledonia regarding their underrepresentation in the Territory's governmental and social structures". The revised operative paragraph would become new operative paragraph 4, and existing operative paragraphs 3 and 4 would become new operative paragraphs 2 and 3, respectively. New operative paragraph 4 better reflected the voice of the indigenous people of New Caledonia in their efforts to participate in the process of self-determination.

4. He also proposed that operative paragraph 10 should be revised to read: "*Welcomes* the intention expressed by the French authorities to resolve in the coming years the question of voter registration".

5. He wished to remind the Committee and administering Powers of their obligation under Article 73 *e* of the Charter of the United Nations to continue to transmit to the Secretary-General information on developments taking place in New Caledonia and in other territories.

6. In conclusion, he expressed the hope that the Special Committee would adopt the draft resolution, as revised, by consensus.

7. **Mr. Maleki** (Islamic Republic of Iran) said that under pressure from the delegation of the administering Power, the Committee had diluted and shortened the original text of the draft resolution and was being asked to accept a major change by agreeing to replace the word "non-representation" by the word "underrepresentation". Assuming that the original wording was based on accurate and reliable information, he wondered how such a change was possible. The word "underrepresentation" implied that the indigenous peoples of the Territory enjoyed a certain level of representation in the Government, whereas it was the understanding of his delegation that that was not the case.

8. Referring to operative paragraph 10, he said that the phrase "in the coming years" suggested an indefinite period of time spanning not only years but decades, whereas the original paragraph had established a definite and reasonable time frame.

9. Notwithstanding the apparent lack of justification for the proposed changes, his delegation was willing to join in any consensus on the draft resolutions.

10. **The Chairman** recalled that a corrigendum to the draft resolution (A/AC.109/2006/L.13/Corr.1) had been issued indicating that the word "non-representation" was to be replaced by the word "underrepresentation", to correct a technical error. While the points raised by the representative of the Islamic Republic of Iran were valid, he did not consider that the proposed revisions violated the intent of the draft resolution. Given that the United Nations was a consensus organization whose bodies, accordingly, conducted much of their work through negotiations, particularly in seeking to refine the language of resolutions in the interests of all concerned, it stood to reason that a draft resolution might undergo many changes as it took shape, the end version often differing greatly from the original.

11. **Mr. Aisi** (Papua New Guinea), endorsing the statement made by the Chairman, said that better reporting by the administering Power would have helped to avoid misunderstandings and the need for lengthy negotiations. Both France and other administering Powers should bear that in mind when submitting future reports.

12. **The Chairman** said that Article 73 *e* of the Charter of the United Nations should not be read in isolation but in conjunction with Article 73 *b*, which placed the onus on the administering Power to assist in the political evolution and advancement of its Territory or Territories.

13. *Draft resolution A/AC.109/2006/L.13, as orally revised, was adopted.*

Question of Tokelau (A/AC.109/2006/10, A/AC.109/2006/L.15)

Hearing of representatives of the Non-Self-Governing Territory

14. *At the invitation of the Chairman, Mr. Kolouei O'Brien (Ulu-o-Tokelau), and Mr. Walter (Administrator of Tokelau) took places at the Committee table.*

15. **The Chairman** commended the work of the Electoral Assistance Division and the United Nations Development Programme (UNDP) in helping Tokelau to prepare for and conduct its historic referendum on self-determination in February 2006.

16. The consistent cooperation between the Government of New Zealand and the Special Committee through the exchange of information and dialogue on the political evolution of Tokelau bore testimony to the commitment of the administering Power to the self-determination of the Territory, and had heightened the awareness of the Special Committee of the challenges faced by Tokelau as it proceeded towards self-determination.

17. New Zealand, in exercising its responsibilities under the Charter of the United Nations in respect of a Territory under its administration, was a model that other administering Powers should emulate. The Special Committee was all too familiar with the difficulties of assessing situations in other Territories where administering Powers either did not cooperate, or cooperated on an inconsistent basis. If the other administering Powers were to follow New Zealand's example, the United Nations would be much further forward in implementing its decolonization mandate.

18. The relevant bodies of the United Nations system stood ready to lend continued assistance to Tokelau, and the Special Committee would continue to maintain close communication with the administering Power and the Government of Tokelau in the years ahead.

19. **Mr. Kolouei O'Brien** (Ulu-o-Tokelau), titular head of the Territory, said that while he and many others had been surprised by the outcome of the referendum on self-determination, and related draft constitution and draft treaty of free association, which had not produced the two-thirds majority needed for a change in status, as Ulu-o-Tokelau, he respected the voice of the people. Both he and the Council of Ongoing Government of Tokelau would continue to serve their small nation to the best of their ability. The General Fono would continue to have authority to deal with matters at the national level, and the Council of Elders at the village level. Through an Administrator, New Zealand would continue to have overall responsibility for the administration of the executive Government of Tokelau, and would continue to work with Tokelau to strengthen the Territory's self-government with a view to eventual decolonization by means of a future vote.

20. Since the referendum, Tokelau and each of its villages had reviewed and reflected on the vote. He had personally met with the Council of Elders of each village, and had also visited New Zealand to brief the Tokelauan communities and senior officials of the New Zealand Government. The General Fono, having discussed the referendum result at two meetings, had decided to continue on the path to full self-government in free association with New Zealand, and to meet in August 2006 to agree on a new time frame for holding a second referendum. He therefore appealed to the Committee to be patient with Tokelau's considered and gradual approach.

21. The relationship between Tokelau and New Zealand remained strong, and cooperation continued as usual. The two nations were currently preparing to negotiate the terms of the budget for the period 2007-2009, to which end Tokelau had reviewed the July 2004 devolution of public services to the villages and agreed on improvements with respect to consolidation, coordination and communications.

22. The Territory would also review and continue to focus on health, education, village development and the need for improved communications. In the latter, shipping would play a key role, having always been vital for Tokelau's communication and transportation links with the outside world, particularly since Tokelau had no form of air transportation. The development of information and communications technology provided Tokelau with opportunities to develop its internal and international communication and transportation links, thus helping to strengthen self-government and improve education, health and other services.

23. Tokelau hoped that the guidance and support of the United Nations and the Special Committee would not waver as Tokelau progressed towards self-determination.

24. **Mr. Walter** (Administrator of Tokelau) said that, at the request of the Council on Ongoing Government, New Zealand had agreed to keep the draft constitution and the draft treat of free association on the table. New Zealand would continue to encourage Tokelau in its efforts towards self-government and to respect the right of Tokelau to determine the direction and pace of political change. It intended to work closely with the Committee in that regard.

25. He welcomed the consideration given by the Committee to Tokelau over the past year, notably the strong support during the referendum.

26. *Mr. Kolouei O'Brien (Ulu-o-Tokelau) and Mr. Walter (Administrator of Tokelau) withdrew.*

Draft resolution A/AC.109/2006/L.15

27. *Draft resolution A/AC.109/2006/L.15 was adopted.*

Report of the Special Committee
(A/AC.109/2006/CRP.2)

28. **The Chairman**, introducing the draft report of the Special Committee (A/AC.109/2006/CRP.2), recalled that the Committee had, on 16 June 2006, adopted its enabling resolution A/AC.109/2006/L.10 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for the attainment of self-government by the end of 2010.

29. In the interest of using innovative measures to meet the 2010 deadline, the provision of an independent expert to analyse the processes of self-determination in the small Territories and the implementation of decolonization was an important element of the Plan of Implementation referred in the resolution. While independent experts, who normally served for three to six years, were often relied upon by bodies of the United Nations for their expertise, they were not part of the Secretariat, but served in their personal capacity. There was no conflict between their research and the work of the Secretariat. They undertook specific tasks and presented their findings to the body with which they were associated. Under the special procedures mechanism of the Commission on Human Rights, such appointments had no programme budget implications.

30. Paragraph 14 had been added to the report to reflect the draft decision to appoint Mr. Corbin as an independent expert to the Committee for three years. Mr. Corbin had served the Committee in the field of decolonization for over two decades, most recently as a United Nations Development Programme independent expert to the Special Mission to Bermuda in 2005 and to the Special Mission to the Turks and Caicos Islands in 2006. He would concentrate on the Caribbean and Pacific regions.

31. The guidelines for the participation of representatives of Non-Self-Governing Territories in the work of the Special Committee had been updated, as reflected in paragraph 15 of the draft report. It was recommended to extend to selected regional experts reimbursement by the United Nations of the expenses related to their participation, and subject to available resources.

32. **Mr. Sitnikov** (Russian Federation) said that, while his delegation was in favour of the appointment of Mr. Corbin, it could not, given current budget difficulties, support the proposed changes to paragraph 15.

33. **Mr. Okio** (Congo) said that, since there were no programme budget implications, his delegation supported the appointment of Mr. Corbin, and would have no objection to expanding the circle of experts in the future.

34. **Mr. Gregoire** (Dominica), said that, since there were no programme budget implications, his delegation also supported the appointment of Mr. Corbin.

35. **Ms. Hughes-Ferrari** (Saint Vincent and the Grenadines) said that, she, too, supported the appointment, there being no programme budget implications, but wondered whether, as a representative of the elected Government of the Non-Self-Governing Territory of the United States Virgin Islands, he could be independent with regard to his work for the Committee.

36. **Mr. Ahmad** (Syrian Arab Republic) said that, in the absence of programme budget implications, his delegation was in favour of the appointment.

37. **Mr. Aisi** (Papua New Guinea) said that, since there were no budgetary implications, his delegation supported the appointment of Mr. Corbin, and agreed with the representative of the Congo that, in the interest of meeting the 2010 deadline, a panel of experts should be considered.

38. **Mr. Maleki** (Islamic Republic of Iran) said that, while his delegation acknowledged the expertise of Mr. Corbin, it agreed with the representative of Saint Vincent and the Grenadines that his independence should be assured. He wondered about the procedures for the appointment and the position of independent experts in the United Nations system and suggested that the matter should be taken up in the Fifth Committee. Since his Government had not received notification of the proposed appointment in time to give it due consideration, it was not in a position to support it.

39. **The Chairman** said that he regretted that members had not received the amendment to the draft report proposing the appointment of an independent expert in good time. Mr. Corbin would be an independent expert and would therefore not be connected in any way with the Government of the United States Virgin Islands. The appointment of special rapporteurs and independent experts was not unusual in the United Nations system. Such rapporteurs and experts served in their personal capacity and were not paid for their work. As set forth in new paragraph 15 of the Committee's draft report, the reimbursement of the expenses of independent experts was based on the availability of resources.

40. **Mr. Sitnikov** (Russian Federation) said that although his delegation was broadly in favour of the draft report, it had not received the amended text until very late. The programme budget implications of the decision contained in the draft report must be taken up in the Fifth Committee, in view of which he could not support it at the current stage.

41. **Ms. Toledano** (Cuba) said that her delegation had wished to support the Committee's draft report, and was very pleased at the proposed appointment of Mr. Corbin as an independent expert, which would certainly help the work of the Committee. However, the Committee should agree on the duration of his appointment, as it was not clearly set out in paragraph 14 of the draft report.

42. She also wondered what the Fifth Committee's view would be of the programme budget implications of the draft report, should it be adopted, even though the Chairman had stated that it had none.

43. **The Chairman** said that the duration of Mr. Corbin's appointment would be three years.

44. **Mr. Cherniavsky** (Secretary of the Committee) said that in view of the scope of the activities to be undertaken by the independent expert, and in accordance with the rules of procedure, as well as the resolutions on gratis personnel adopted by the General Assembly, the draft decision had been submitted to the Office of Programme Planning, Budget and Accounts in connection with possible budgetary and programmatic implications.

45. Should the draft decision have programme budget implications, the Special Committee would be so informed following consideration by the Fifth Committee.

46. **Mr. Maleki** (Islamic Republic of Iran) said that according to the explanatory note on the draft decision, independent experts rendered their services on a part-time basis. Moreover, since they were not paid, he wondered how they were expected to carry out their work. The Committee should be realistic.

47. **The Chairman** said that the independent expert would function as a consultant, and would be funded from private resources.

48. **Ms. Hughes-Ferrari** (Saint Vincent and the Grenadines) said that she had also received the amendment containing the draft decision very late and had not been able to send it to her capital. Since there were clearly some unresolved issues concerning the draft decision contained in paragraph 14 of the draft report, she proposed that the Committee should defer consideration of that paragraph, and also consider amending paragraph 15.

49. **Mr. Sitnikov** (Russian Federation) said that the Special Committee clearly needed time to consider the issues raised and also needed input from the Fifth Committee. He supported the proposal of the representative of Saint Vincent and the Grenadines to defer consideration of the draft report.

50. **Mr. Maleki** (Islamic Republic of Iran) said that his delegation also supported the proposal of Saint Vincent and the Grenadines.

51. **The Chairman** said the Special Committee would defer a decision on the draft report pending receipt of the views of the Fifth Committee.

52. **The Chairman** said he took it that in order to facilitate the timely submission of the report of the Special Committee to the General Assembly at its the

sixty-first session, the rapporteur of the Committee should be authorized to submit the report directly to the Assembly.

53. *It was so decided.*

Statement by the Chairman

54. **The Chairman** said that although the Special Committee had made significant progress at its current resumed session, a certain degree of innovation would be required to resolve other remaining issues, which were in stalemate. It was often said that extraordinary circumstances required extraordinary remedies. However, some remedies that were available to the Committee might not be as extraordinary as they might appear at first glance.

55. Considerable progress had been made in increasing the flexibility of the Special Committee's work, notably the shift from the limited concept of the "visiting mission" to the more interactive concept of the "special mission", which allowed the Committee to engage with people about their concerns.

56. The Committee had also placed equal weight on adherence to Article 73 *b* of the Charter of the United Nations, on the promotion of self-government in the Territories, and Article 73 *e*, which merely called for the transmission of information. However, unless the Committee received formal cooperation from certain administering Powers, the Committee must draw its own conclusions.

57. The Committee had reiterated the current relevance of the options available for achieving political equality, namely, independence, free association and integration, and had marvelled at the position of one administering Power that it no longer offered two of those three options to the Territories under its administration. It had also integrated new information and strategies into its resolutions, introduced the method of providing explanatory notes to explain new and updated language, and introduced the method of delivering summaries and elaborations following key debates.

58. In its resolutions the Committee had continued to reaffirm the linkage between decolonization and the international human rights conventions, and had called for collaboration with other United Nations bodies. Such linkages could inform the Committee further on the work of other United Nations bodies. However, the Committee on the Elimination of Racial Discrimination continued to be critical, in its annual report, of the lack of relevant information from the Special Committee, which should therefore ensure that it responded appropriately to such requests for information in future.

59. The Committee had identified, in its resolutions, the nuances of the power imbalance between the Territories and the administering Powers, and had heard the call by the people of the Territories for the systematic devolution of administrative authority. It had also reiterated its long-standing request for substantive reports on the implementation of decolonization resolutions, and reflected new developments taking place in the small island Territories. It was just as important that the Committee's resolutions should reflect the position of the people as it was that they should reflect that of the administering Powers.

60. The Committee had asked the Department of Public Information to intensify its efforts to bridge the gap between the availability of information and its actual dissemination to the peoples for whom it was intended, and had also asked for enhanced information on decolonization to be provided on the United Nations web site. The Committee's resolutions had once again called on the United Nations specialized agencies to include many of the Non-Self-Governing Territories in their work, and had reflected the persistent interest of the Territories in such an approach.

61. The Committee's enabling resolution on the International Decade for the Eradication of Colonialism reflected the importance of implementing the decolonization mandate. The activities called for in the Plan of Action for the First and Second International Decades remained critical to improving the Organization's chances of successfully completing the decolonization process in the Territories by 2010.

62. In that regard, the initiation of case-by-case analysis of each Territory was critical. However, it was clear that such a comprehensive approach could not, in its current form, succeed for those Territories whose administering Powers would not — for reasons of their own — formally cooperate with the Committee. Consideration should therefore be given to reordering the 10 points of the Committee's case-by-case approach, so that analysis of the Territories' political and constitutional status could be undertaken before the administering Powers were consulted.

63. The Committee had also recognized the importance of the Plan of Implementation of the Decolonization Mandate 2006-2007 (A/60/853-E/2006/75), which extensively examined the actions called for by the General Assembly and the Economic and Social Council. The Plan examined — for the first time since the Committee's establishment — the role that various United Nations bodies had been asked to play in the development of the Territories. It also revealed where independent expertise could be utilized to provide critical and comprehensive analysis of the situation on the ground in the small Territories.

64. Although 16 listed Territories remained, the Committee could undertake only one or two missions per year, and only after the relevant administering Power had given its approval. As set forth in the Plan of Implementation, innovative means were therefore necessary to ensure that the Committee received the relevant information and analysis to inform its decisions. Defining the role played by United Nations agencies in facilitating the participation of the Territories remained a fundamental challenge. However, the Plan of Implementation provided a blueprint for future action.

65. The items over which there appeared to be a stalemate included the questions of the Territories that were the subject of sovereignty disputes. The Committee would continue to hear the positions of both sides during its annual consideration of those questions as long as they remained on its agenda. However, the Committee might wish to seek a legal opinion on the issue while reaffirming its continued responsibility under the Charter of the United Nations to review the decolonization process in all Territories under its purview.

66. There appeared to be overwhelming support among the various political parties and other stakeholders involved for the General Assembly to take up the question of the self-determination of Puerto Rico. Other parties had called for Puerto Rico to be restored to the Assembly's list of Non-Self-Governing Territories. Although the authority to take such a step rested with the Assembly, not with the Committee, it was important to recognize that the people of Puerto Rico looked to the Committee for solutions.

67. He had received communications on a variety of issues that lay outside the Committee's mandate, including the potential re-listing of French Polynesia, environmental and human rights disputes in New Caledonia, and the possibility of seeking an Advisory Opinion of the International Court of Justice concerning the Territory formerly known as Netherlands New Guinea. With regard to the latter, the General Assembly, not the Committee, must decide whether the Committee was competent to assess new territorial forms. However, the Committee must recognize that many in the international community saw the Committee as the focal point of all United Nations self-determination and decolonization issues.

68. The challenges in addressing those issues remained formidable, and the Committee could therefore no longer be content to pass resolutions without any regard for their implementation. It must become proactive in its approach, focusing not only on the language of the resolution but also on monitoring the implementation of the actions that the Committee had recommended to the General Assembly. The United Nations must stand together with the remaining Non-Self-Governing Territories, whose right to self-determination was as important as it had been to the Territories that had already achieved that status.

69. **Mr. Maleki** (Islamic Republic of Iran) said that his delegation would have preferred to be informed earlier about the various communications to which the Chairman had referred.

Organization of work

70. **The Chairman** said that in view of the Security Council's recent assessment of the current political situation in Timor-Leste, it would not be possible to hold the 2006 Pacific regional seminar there in the near term. However, it was extremely important to retain the regional nature of the seminar. He had held informal discussions with two Member States regarding the possibility of holding the seminar in their countries in early August 2006, and other Member States had also indicated an interest in doing so. He was also open to other possibilities.

71. In view of the many administrative preparations that must be made for the seminar, a decision should be taken on the venue before the end of June 2006. The Special Committee should act as a matter of urgency to ensure that the people of the Pacific Island Territories were given an opportunity every two years to present their views to the Special Committee, as well as to interact with their colleagues and with representatives of Member States.

The meeting rose at 12.05 p.m.